

**FILED**

**Dec 08, 2022**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**SEALED**

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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
BRENDA VILLA,  
  
Defendant.

CASE NO. 2:22-cr-0245 DAD

18 U.S.C. § 371 – Conspiracy to Commit  
Falsification of Records in Federal Investigation; 18  
U.S.C. § 1519 – Falsification of Records in Federal  
Investigation (3 counts); 18 U.S.C. § 1623 – Perjury

INDICTMENT

COUNT ONE: [18 U.S.C. § 371 – Conspiracy to Commit Falsification of Records in Federal  
Investigation]

The Grand Jury charges:

BRENDA VILLA,  
defendant herein, as follows:

I. INTRODUCTION

**A. Relevant Entities, Responsibilities, Locations and Persons**

At all times relevant to this Indictment:

1. The California Department of Corrections and Rehabilitation (“CDCR”) was a law  
enforcement agency and a department of the State of California responsible for managing the State of  
California’s prison system.

1           2.       CDCR employed correctional officers to, among other responsibilities, maintain order,  
2 enforce the law, provide security within the California prison system, and draft and submit reports  
3 regarding use of force incidents that occur in prison using the California Department of Corrections and  
4 Rehabilitation Crime/Incident Report, form CDCR 837-C (Rev. 10/15). Under California law, CDCR  
5 correctional officers were sworn California peace officers.

6           3.       California State Prison, Sacramento ("CSP-Sacramento") was one of the California state  
7 prisons located in Sacramento County. CDCR correctional officers, who were sworn California peace  
8 officers under California law, were responsible for maintaining order and providing security within  
9 CSP-Sacramento.

10          4.       CSP-Sacramento was comprised of a minimum support facility and three other  
11 alphabetically identified facilities, each containing eight numerically identified inmate housing  
12 buildings. This included Facility A, Block 5 ("Building A5"), Facility A, Block 6 ("Building A6"),  
13 Facility A, Block 7 ("Building A7"), and Facility A, Block 8 ("Building A8").

14          5.       Defendant BRENDA VILLA was a CDCR correctional sergeant and California peace  
15 officer. At all times relevant, VILLA was responsible for supervising the correctional officers in  
16 Buildings A6 and A7.

17          6.       Arturo Pacheco, charged elsewhere, was a CDCR correctional officer and California  
18 peace officer at CSP-Sacramento.

19          7.       Ashley Aurich, charged elsewhere, was a CDCR correctional officer and California peace  
20 officer at CSP-Sacramento.

21          8.       On or about September 15, 2016, Pacheco and Aurich were working as partners,  
22 performing their correctional officer duties in tandem under VILLA's supervision.

23          9.       Correctional Officer 2 was a CDCR correctional officer and California peace officer at  
24 CSP-Sacramento. On or about September 15, 2016, Correctional Officer 2 was assigned to work in  
25 Building A6.

26          10.       Correctional Officer 3 was a CDCR correctional officer and California peace officer at  
27 CSP-Sacramento. On or about September 15, 2016, Correctional Officer 3 was assigned to work in  
28 Building A5.

11. Correctional Officer 4 was a CDCR correctional officer and California peace officer at CSP-Sacramento. On or about September 15, 2016, Correctional Officer 4 was assigned to work in Building A8.

12. Correctional Officer 5 was a CDCR correctional officer and California peace officer at CSP-Sacramento. On or about September 15, 2016, Correctional Officer 5 was assigned to work as the Building A7 Control Booth Officer.

13. Victim 1 was an inmate at CSP-Sacramento. He resided in Building A6. Victim 1 was 65 years old.

**B. Use of Force on Victim 1**

14. On or about September 15, 2016, at VILLA's direction, Pacheco and Aurich went to Victim 1's cell in Building A6 in order to escort Victim 1 to his new cell in Building A7.

15. Pacheco, Aurich, and Correctional Officer 2 escorted Victim 1 from Building A6 to Building A7. During the trip from Building A6 to Building A7, Victim 1's hands were handcuffed behind his back.

16. Pacheco, Aurich, Correctional Officer 2, and Victim 1 entered Building A7 through the building's rotunda area after Correctional Officer 5, from the control booth, opened the yard door for them. While in the rotunda, Victim 1 stopped walking. In response, Pacheco, without legal justification and while acting under color of law, assaulted Victim 1 and violated Victim 1's civil rights by performing the following acts:

- a. Pacheco released his grip on Victim 1's left arm.
- b. Pacheco wrapped his arms around Victim 1's legs.
- c. Pacheco pulled Victim 1's legs backwards, in the direction of Pacheco.

17. Pacheco's actions caused Victim 1 to immediately fall forward violently with his head and upper torso striking the concrete floor while his hands were handcuffed behind him.

18. Shortly after Pacheco's actions caused Victim 1 to strike the floor, VILLA and others responded to the rotunda. VILLA took charge of the incident, directing other officers to execute certain tasks.

19. Victim 1 was subsequently transported to the hospital where he died two days later.

II. THE CONSPIRACY

20. On or about September 15, 2016, in the County of Sacramento, State and Eastern District of California, and elsewhere, defendant BRENDA VILLA knowingly and intentionally conspired with others known and unknown to the Grand Jury to commit offenses against the United States, to wit, falsification of records and documents in a federal investigation, in violation of Title 18, United States Code, Section 1519.

21. The purpose of the conspiracy was to knowingly falsify and make false entries in records and documents that included false information and representations with the intent to impede, obstruct, and influence the investigation and proper administration of a matter that was within the jurisdiction of the United States Department of Justice, to wit the assault and use of force on Victim 1 under the color of law.

III. MANNER AND MEANS

The conspirators used the following manners and means, among others, to accomplish and attempt to accomplish the objects of the conspiracy:

22. On or about September 15, 2016, VILLA responded to Building A7 during an alarm for the use of force incident against Victim 1. VILLA took charge of the scene, issuing orders and instructions to correctional officers.

23. VILLA communicated orally and by email with CDCR officers, including Arturo Pacheco, Ashley Aurich and Correctional Officers 2 through 5, about submitting their incident reports, using the California Department of Corrections and Rehabilitation Crime/Incident Report, form CDCR 837-C (Rev. 10/15).

24. Correctional Officer 2 was instructed that Correctional Officer 2 should not submit a report regarding the incident.

25. VILLA, Pacheco, and others, drafted and helped draft reports that described the incident such that Correctional Officer 2's involvement was concealed in the narrative descriptions. Among other things, the narratives in the reports described Victim 1 being escorted and restrained solely by other officers without the assistance of Correctional Officer 2. In addition, the reports omitted Correctional Officer 2's name in both the list of witnesses to the incident and the narrative sections even

1 though the correctional officers had a duty to list all correctional officers who participated in, and  
2 witnessed, the use of force.

3 26. In some instances, VILLA returned draft reports to correctional officers one or more  
4 times with instructions for additional edits that served to conceal that Correctional Officer 2 was present  
5 during the incident and to reduce and eliminate inconsistencies in the reports that might cause further  
6 investigation into the incident.

7 27. VILLA signed and finalized the false reports.

8 IV. OVERT ACTS

9 In furtherance of the conspiracy and to accomplish its objects, at least one of the conspirators  
10 committed or caused to be committed, in the Eastern District of California, the following overt acts,  
11 among others:

12 28. On or about September 15, 2016, VILLA communicated with Correctional Officer 4 and  
13 instructed Correctional Officer 4 to leave Correctional Officer 2 out of Correctional Officer 4's  
14 California Department of Corrections and Rehabilitation Crime/Incident Report, form CDCR 837-C  
15 (Rev. 10/15), regarding the assault on Victim 1.

16 29. On or about September 15, 2016, Pacheco communicated with Correctional Officer 4 and  
17 instructed Correctional Officer 4 to leave Correctional Officer 2 out of Correctional Officer 4's  
18 California Department of Corrections and Rehabilitation Crime/Incident Report, form CDCR 837-C  
19 (Rev. 10/15), regarding the assault on Victim 1.

20 30. On or about September 15, 2016, Pacheco communicated with Aurich that they were  
21 keeping the reports "in house" and leaving Correctional Officer 2 out of the reports regarding the assault  
22 on Victim 1.

23 31. On or about September 15, 2016, Correctional Officer 4 communicated with Correctional  
24 Officer 3 and informed Correctional Officer 3 that Correctional Officer 2 was being left out of the  
25 reports regarding the assault on Victim 1.

26 32. On or about September 15, 2016, VILLA signed and approved a California Department  
27 of Corrections and Rehabilitation Crime/Incident Report, form CDCR 837-C (Rev. 10/15) drafted by  
28 Pacheco.

33. On or about September 15, 2016, VILLA signed and approved a California Department of Corrections and Rehabilitation Crime/Incident Report, form CDCR 837-C (Rev. 10/15) drafted by Aurich.

34. On or about September 15, 2016, VILLA signed and approved a California Department of Corrections and Rehabilitation Crime/Incident Report, form CDCR 837-C (Rev. 10/15) drafted by Correctional Officer 3.

35. On or about September 15, 2016, VILLA signed and approved a California Department of Corrections and Rehabilitation Crime/Incident Report, form CDCR 837-C (Rev. 10/15) drafted by Correctional Officer 4.

36. On or about September 15, 2016, VILLA signed and approved a California Department of Corrections and Rehabilitation Crime/Incident Report, form CDCR 837-C (Rev. 10/15) drafted by Correctional Officer 5.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO: [18 U.S.C. § 1519 – Falsification of Record in Federal Investigation]

The Grand Jury further charges:

BRENDA VILLA,

defendant herein, as follows:

1. Paragraphs 1 through 19 of Count One are hereby re-alleged and incorporated fully by reference.

2. On or about September 15, 2016, in the County of Sacramento, State and Eastern District of California, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of the United States Department of Justice, to wit, the investigation of the assault of Victim 1, VILLA did knowingly falsify and make a false entry in a record and document, to wit a California Department of Corrections and Rehabilitation Crime/Incident Report, form CDCR 837-C (Rev. 10/15) drafted by Pacheco and approved by VILLA, which included false information and representations as set forth more fully below, among others:

a. VILLA knowingly and falsely stated and caused to be stated that the only witnesses present during and shortly after the assault on Victim 1 included Aurich, Correctional Officer

1 3, and Correctional Officer 4, intentionally concealing the presence of Correctional Officer 2. In truth  
2 and in fact, VILLA falsified and made the foregoing false entry in a record knowing that Correctional  
3 Officer 2 was present during and shortly after the assault on Victim 1.

4 All in violation of Title 18, United States Code, Sections 1519 and 2.

5 COUNT THREE: [18 U.S.C. § 1519 – Falsification of Record in Federal Investigation]

6 The Grand Jury further charges:

7 BRENDA VILLA,

8 defendant herein, as follows:

9 1. Paragraphs 1 through 19 of Count One are hereby re-alleged and incorporated fully by  
10 reference.

11 2. On or about September 15, 2016, in the County of Sacramento, State and Eastern District  
12 of California, with the intent to impede, obstruct, and influence the investigation and proper  
13 administration of a matter within the jurisdiction of the United States Department of Justice, to wit, the  
14 investigation of the assault of Victim 1, VILLA did knowingly falsify and make a false entry in a record  
15 and document, to wit a California Department of Corrections and Rehabilitation Crime/Incident Report,  
16 form CDCR 837-C (Rev. 10/15) drafted by Aurich and approved by VILLA, which included false  
17 information and representations as set forth more fully below, among others:

18 a. VILLA knowingly and falsely stated and caused to be stated that the only  
19 witnesses present during and shortly after the assault on Victim 1 included Pacheco, Correctional  
20 Officer 3, and Correctional Officer 4, intentionally concealing the presence of Correctional Officer 2. In  
21 truth and in fact, VILLA falsified and made the foregoing false entry in a record knowing that  
22 Correctional Officer 2 was present during and shortly after the assault on Victim 1.

23 All in violation of Title 18, United States Code, Sections 1519 and 2.

24 ///

25 ///

26 ///

27 ///

28 ///



1 COUNT FOUR: [18 U.S.C. § 1519 – Falsification of Record in Federal Investigation]

2 The Grand Jury further charges:

3 BRENDA VILLA,

4 defendant herein, as follows:

- 5 1. Paragraphs 1 through 19 of Count One are hereby re-alleged and incorporated fully by  
6 reference.
- 7 2. On or about September 15, 2016, in the County of Sacramento, State and Eastern District  
8 of California, with the intent to impede, obstruct, and influence the investigation and proper  
9 administration of a matter within the jurisdiction of the United States Department of Justice, to wit, the  
10 investigation of the assault of Victim 1, VILLA did knowingly falsify and make a false entry in a record  
11 and document, to wit a California Department of Corrections and Rehabilitation Crime/Incident Report,  
12 form CDCR 837-C (Rev. 10/15) drafted by Correctional Officer 4 and approved by VILLA, which  
13 included false information and representations as set forth more fully below, among others:
- 14 a. VILLA knowingly and falsely stated and caused to be stated that the only  
15 witnesses present during and shortly after the assault on Victim 1 included Pacheco and Correctional  
16 Officer 3, intentionally concealing the presence of Correctional Officer 2. In truth and in fact, VILLA  
17 falsified and made the foregoing false entry in a record knowing that Correctional Officer 2 was present  
18 during and shortly after the assault on Victim 1.

19 All in violation of Title 18, United States Code, Sections 1519 and 2.

20 COUNT FIVE: [18 U.S.C. § 1623 – False Declarations Before Grand Jury]

21 The Grand Jury further charges:

22 BRENDA VILLA,

23 defendant herein, as follows:

- 24 1. Paragraphs 1 through 19 of Count One are hereby re-alleged and incorporated fully by  
25 reference.
- 26 2. On or about November 5, 2020, in the County of Sacramento, State and Eastern District  
27 of California, defendant BRENDA VILLA, while under oath and testifying in a proceeding before  
28 Grand Jury 2020A, a grand jury of the United States in the Eastern District of California, did knowingly



1 make a false material declaration, that is to say:

2           a.       At the time and place aforesaid, the grand jury was conducting an investigation to  
3 determine whether violations of Title 18, United States Code Section 242, and violations of Title 18,  
4 United States Code, Section 1519 had been committed with respect to the assault on Victim 1 on or  
5 about September 15, 2016 at CSP-Sacramento, as described in Paragraphs 14 through 19 in Count One,  
6 and to identify the persons who had committed, caused the commission of, and conspired to commit  
7 such violations. It was material to said investigation that the grand jury ascertain which person(s)  
8 VILLA witnessed in the rotunda shortly after the assault on Victim 1 and what VILLA witnessed each  
9 such person doing.

10           b.       At the time and place alleged, VILLA appearing as a witness under oath at a  
11 proceeding before the grand jury knowingly made the following declaration in response to questions  
12 with respect to the material matter alleged:

13                   Q:           So you heard the alarm. What did you do?

14                   VILLA:       So I have to respond to it, as a responding  
15 supervisor. The gate is locked; so there's one  
16 officer that opens and closes it.

17                               So he opened the door, and I start running toward  
18 the building, to respond. By the time I get there, the  
19 door is already open.

20                   Q:           The door to Building A7?

21                   VILLA:       Yeah. And I remember Inmate Price being escorted  
22 out by the time I already got there.

23                   Q:           Who was escorting Inmate Price out?

24                   VILLA:       To the best of my recollection, it was [Correctional  
25 Officer 4] and [Correctional Officer 3].

26                   Q:           Did you see any other correctional officers with --  
27 with Price, as they were exiting A7?

28                   VILLA:       No.

...

Q:           Did you go into the Building A7?

VILLA:       I did.

1 Q: What did you see when you went in?  
2 VILLA: I saw Officer Aurich, standing over a pool of blood.  
3 Q: Who else did you see?  
4 VILLA: That's it. I saw her standing over a pool of blood,  
5 and then I saw blood. . . .  
6 Q: When you were there, what other correctional  
7 officers did you see in the rotunda area?  
8 VILLA: I didn't see anyone but Aurich, but I know there  
9 were several - - there were several movements. So  
10 there might have been other officers there, but I  
11 wouldn't have been able to recognize them or  
12 anything because I'm talking to Aurich, and my  
13 back is to the open door.  
14 Q: Did you see [Correctional Officer 2] there?  
15 VILLA: I did not.  
16 . . .  
17 Q: Did you see Arturo Pacheco there?  
18 VILLA: I did not.  
19


20 2. The aforesaid underscored testimony of VILLA, as she then and there well knew and  
21 believed, was false in that, on or about September 15, 2016, she did witness Correctional Officer 2,  
22 Correctional Officer 3, Correctional Officer 4 and Pacheco in the rotunda shortly after the assault on  
23 Victim 1, not just Aurich standing over a pool of blood.  
24

25 All in violation of Title 18, United State Code, Section 1623.

26 A TRUE BILL.

27 **/s/ Signature on file w/AUSA**

28 FOREPERSON

29   
30 PHILLIP A. TALBERT  
31 United States Attorney

No. 2:22-cr-0245 DAD

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**UNITED STATES DISTRICT COURT**

*Eastern District of California*

*Criminal Division*

**THE UNITED STATES OF AMERICA**

vs.

**BRENDA VILLA**

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**INDICTMENT**

**VIOLATION(S):** 18 U.S.C. § 371 – Conspiracy to Commit Falsification of Records  
in Federal Investigation; 18 U.S.C. § 1519 – Falsification of Records in  
Federal Investigation (3 counts); 18 U.S.C. § 1623 - Perjury

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*A true bill,*

**/s/ Signature on file w/AUSA**

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*Foreman.*

Filed in open court this 8<sup>th</sup> day

of December, A.D. 2022

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*/s/ M York*  
*Clerk.*

Bail, \$ No bail bench warrant

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December 8, 2022

GPO 86

  
DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

**United States v. Brenda Villa**  
**Penalties for Indictment**

**Defendant**  
**BRENDA VILLA**

**COUNT 1:**            **BRENDA VILLA**

**VIOLATION:**        18 U.S.C. § 371 – Conspiracy to Commit Falsification of Records in  
Federal Investigation

**PENALTIES:**        Maximum of 5 years in prison; or  
Fine of up to \$250,000; or both fine and imprisonment  
Supervised release of up to 3 years

**COUNTS 2-4:**       **BRENDA VILLA**

**VIOLATION:**        18 U.S.C. § 1519 – Falsification of Records in Federal Investigation

**PENALTIES:**        Maximum of 20 years in prison; or  
Fine of up to \$250,000; or both fine and imprisonment  
Supervised release of up to 3 years

**COUNT 5:**           **BRENDA VILLA**

**VIOLATION:**        18 U.S.C. § 1623 – Perjury in the Grand Jury

**PENALTIES:**        Maximum of 5 years in prison; or  
Fine of up to \$250,000; or both fine and imprisonment  
Supervised release of up to 3 years

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)